

REMARKS

The election/restriction requirement has been carefully reviewed. Restriction to one of the following inventions is required under 35 U.S.C. 121: (I) Claims 18-20, drawn to a product, classified in class 257, subclass 52+; and, (II) Claims 1-17, drawn to a method, classified in class 438, subclass 482+.

The Office Action stated that the inventions were distinct, each from the other because of the following reasons: Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case, the product as claimed can be made by another and materially different process, such as forming the semiconductor film by using a solution that comprises a trace amount of a very volatile organic material, instead of organic free; and applying it to the substrate after the volatile organic material has been evaporated.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, the search required for Group I is not required for Group II, and separated examination would be required, restriction for examination purposes as indicated is proper.

In addition, claims in either of above Group I and Group II inventions directed respectively to a semiconductor device and a method to make the same is further restricted as follows:

This application contains device claims (18-20) and method claims (1-17) each directed to various patentably distinct species of the claimed invention, applicant is required to select a single semiconductor film form the following patentably distinct semiconductor films of:

1. cadmium sulfide;
2. cadmium selenide;
3. cadmium telluride;
4. mixtures of 1-3;
5. zinc sulfide;

6. zinc selenide;
7. zinc tellenide;
8. mixtures of 5-7;
9. zinc cadmium sulfide;
10. zinc cadmium selenide;
11. zinc cadmium telluride;
12. mixtures of 9-11;
13. copper indium sulfide;
14. copper indium selenide;
15. copper indium telluride;
16. mixtures of 13-15;
17. cadmium indium sulfide;
18. cadmium indium selenide;
19. cadmium indium telluride;
20. mixtures of 17-19;
21. copper gallium sulfide;
22. copper gallium selenide;
23. copper gallium telluride;
24. mixtures of 21-23;
25. copper gallium indium selenide;

Further, applicant was required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, none is generic.

Applicant was advised that a reply to this requirement, to be complete, must include an election of the invention to be examined, even though the requirement may be traversed (37 CFR 1.143). And the election must include an election between Group I and Group II inventions, and also include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all

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the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP 809.02(a)

Applicants hereby elect Group II, claims 1-17 without traverse.

Further, applicants elect cadmium sulfide as the "single semiconductor film" species. It is submitted that claims 1-5, 8, 9, 11, 14-15 and 17 are readable upon the election of species.

A favorable action is solicited.

Respectfully submitted,

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